

### REMARKS/ARGUMENTS

Claims 1-39 are pending in this application.

The Examiner did not address a critical argument of Applicant, as set forth below.

Applicant requests withdrawal of the Final Rejection issued in the August 27, 2003 Office Action to address the aforementioned argument.

The Applicant argued in the June 2, 2003 response that neither Carusone nor Reynolds, alone or in combination, teaches or suggests “if the attempt to communicate with the target device fails, determining if the target device has an active neighbor by *attempting to communicate with said neighbor*” (emphasis added). The Examiner cites the following two passages in Carusone as supposedly addressing this limitation:

In situations where the failure has been propagated through a switch, two links become involved. In this case the two pairs of failure reports, one pair for each link, are known to be from the same failure since they have the unit identifier of the switch in common and occur in close time proximity to each other. The method and apparatus contemplated by the invention combine such error reports to easily isolate the failure in these cases.

In other situations where, for example, a unit failure occurs that causes multiple link adapters on that unit to fail, multiple reports will occur from the other ends of the links attached to those connections. Each of these multiple reports will contain the failing unit identifier. According to the invention, these reports are combined, and since the multiple failure reports indicate a single attached unit, the identified unit is presumed to have failed.

Furthermore, according to the preferred embodiment of the invention, whenever a switch or control unit attached to the CPU/CU network detects a failure at one of its link attachments to that network, it collects information on the failure as seen by that unit. The failure information is then transmitted via an alternative link attachment to any CPU. Furthermore, whenever a CPU attached to the CPU/CU interface network detects a failure at one of its link attachments to that network, it collects information on the failure as seen by that CPU. The CPUs then send the information on the failure as observed by the CPU, as well as the failure information sent to it from other units, to a common location where all of the failure reports from a single incident may be combined and then analyzed to determine on which link the failure occurred and the probabilities of the various components of that link being the cause of the failure. (col. 5, lines 29-64)

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and:

The invention contemplates means for generating a single fault message, from the error reports transmitted to the central location, to be operational at the central location. Such means will be explained in greater detail hereinafter with reference to FIG. 4. For now however, it should be understood that each failure report is transmitted to a central location and that each failure report includes the LAID of the link adapter that detected the failure as well as the LAID of the link adapter at the other end of the link (the previously stored LAID of the nearest neighbor to the unit reporting a failure).

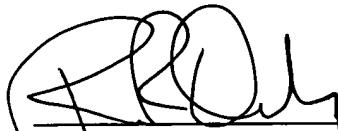
When the reports are received in the central location, the reports from the two ends of a single link can be readily identified since they each contain the same two LAIDs. (col. 9, lines 41-55)

In fact, neither of those passages teaches or suggests the positive action of attempting to communicate with a neighbor, as recited in claim 1. Carusone at col. 5, lines 29-64 teaches sending failure reports from the source of the failure, rather than an attempt to communicate with the failed device. In other words, Carusone does not teach an attempt to communicate with the failed device or a neighbor; Carusone teaches relying upon one or more unsolicited failure reports from the failed device or its neighbors. Carusone at col. 9, lines 41-45 teaches transmitting unsolicited error reports to a central location. Neither of these passages teaches or suggests attempting to communicate with a neighbor of a failed device, i.e., soliciting a response from the neighbor.

We continue to believe that the pending claims are allowable and therefore ask the Examiner to reconsider and to allow them to issue.

No fees are believed due in this matter. However, if any fees or credits accrue, including for extensions of time, please charge or credit such fees to Deposit Account 08-0219.

Respectfully submitted,



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